

Appl. No. 10/664,318

Amdt. Dated August 8, 2005

Reply to Office Action of May 6, 2005

REMARKS

This is a full and timely response to the final Office action mailed May 6, 2005.

Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-5, 7-21, 24, and 25 are pending in this application, with Claims 1, 15, and 20 being the independent claims. Claims 1, 15, and 20 have been cosmetically amended herein. No new matter is believed to have been added.

Rejections Under 35 U.S.C. § 103

Claims 1-5, 7-21, 24, and 25 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Broinowski in view of Aschauer, Roos, and Henmi et al. This rejection is respectfully traversed.

Each of independent Claims 1, 15, and 20 recite, *inter alia*, uneven or nonuniform loading on the rotor blades between the blade tips and the hub. The Office action alleges that Broinowski discloses uneven or nonuniform loading between rotor blade tips and hubs, and points to FIG. 12 thereof as providing such alleged teaching. Applicant submits, however, that this rendering of an impeller provides no teaching whatsoever of the loading that is experienced by each blade. Indeed, Broinowski explicitly teaches, at least at col. 7, ll. 9-11, that uneven loading on the impeller would produce undesired cavitation.

As is generally known, a reference must be considered a whole, including those parts that teach away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Here, Broinowski clearly teaches away from at least one feature of the claimed invention, and as such cannot be used to support a *prima facie* case of obviousness. Moreover, none of the other cited references, namely Aschauer, Roos, and Henmi et al., are understood to make up for at least the cited deficiency of Broinowski.

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Conclusion

Based on the above, independent Claims 1, 15, and 20 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

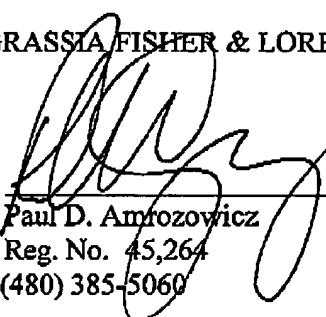
If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: 8/8/05

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